

IN RE: PETITION FOR ZONING VARIANCE
S/S Crossmorr Lane, 123' W
of the c/l of Walnut Avenue
(7903 Crossmorr Lane)
9th Election District
4th Councilmanic District
David Townsend, et ux
Petitioners

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 88-410-A

MEMORANDUM AND ORDER

The Petitioners herein request a variance to permit an accessory structure (swimming pool) to be located in the side yard in lieu of the required rear yard, as more particularly described in Petitioner's Exhibit 1.

The Petitioners, by David Townsend, and their Contractor, Paul Horicha, appeared and testified. There were no Protestants.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, it is the opinion of the Zoning Commissioner that the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and therefore, the variance should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 1st day of April, 1988 that an accessory structure (swimming pool) to be located in the side yard in lieu of the required rear yard, in accordance with Petitioner's Exhibit 1, be approved, and as such, the Petition for Zoning Variance is hereby GRANTED, subject, however, to the following restriction:

BEGINNING for the same in the center of Crossmorr Lane (25 feet wide), distant South 10 degrees 49 minutes West, 123 feet from the point of intersection with the center line of the aforesaid Crossmorr Lane with the center line of Walnut Avenue (25 feet wide), said place of beginning also being at the end of the first or South 10 degrees 49 minutes West 17 foot line of that .059 conveyance from Harry I. Warren and Shirley W. Warren, his wife, to Albert H. Trout described by deed dated January 6, 1971 recorded among the Land Records of Baltimore County in Liber No. 5156, folio 679; thence leaving said place of beginning and running with the center line of Crossmorr Lane: 1) South 10 degrees 49 minutes West, 250.53 feet; thence leaving Crossmorr Lane, 2) South 82 degrees 08 minutes East 374.50 feet; thence binding on the third, fourth and fifth lines of that .48 acre conveyance from Harry I. Warren and Shirley W. Warren, his wife, to John M. Mulholland and Anne P. C. Mulholland, his wife, by deed dated October 3, 1960 and recorded among the Land Records of Baltimore County in Liber No. 4926, folio 26, 3) North 38 degrees 21 minutes 30 seconds West 211.29 feet to a utility pole, thence 4) North 15 degrees 52 minutes West 52.38 feet to a pipe found and 5) North 16 degrees 51 minutes 30 seconds East 63.79 feet to a pipe found at a point of intersection with the fourth line of the whole tract of which this description is a part; thence running with said fourth line to the end thereof, 6) North 79 degrees 11 minutes West 27.89 feet to a pipe found; thence running with the fifth, sixth, and seventh lines of the aforesaid whole tract, 7) North 10 degrees 49 minutes East 20 feet; thence 8) North 79 degrees 11 minutes West 18 feet, and 9) South 10 degrees 49 minutes West 20 feet to a pipe found; thence running reversely with the third and second lines of the aforesaid .059 acre conveyance, 10) South 10 degrees 49 minutes West 17 feet and 11) North 79 degrees 11 minutes West 15.10 feet to the place of beginning. Containing 1.459 acres of land, more or less.

1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

J. Robert Haines
Zoning Commissioner of
Baltimore County

JRH:bja

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 9th
Posted for: Variance
Petitioner: David Townsend, et ux
Location of property: S/S Crossmorr Lane, 123' W of c/l Walnut Avenue
(7903 Crossmorr Lane)
Location of Sign: In front of 7903 Crossmorr Lane
Remarks: J. Robert Haines
Posted by: J. Robert Haines
Number of Signs: 1
Date of Posting: March 24, 1988
Date of return: April 1, 1988

CERTIFICATE OF PUBLICATION

TOWSON, MD., March 24, 1988
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on March 24, 1988
THE JEFFERSONIAN,
Publisher: Susan Louise Christ

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property described herein at Room 111 of the County Office Building, located at 111 W. Crossmorr Lane in Towson, Maryland as follows:
Petition for Zoning Variance
Case Number: 88-410-A
S/S Crossmorr Lane, 123' W of c/l Walnut Avenue
9th Election District
4th Councilmanic District
Petitioner: David Townsend, et ux
Hearing Date: Friday, April 1, 1988 at 11:00 a.m.
Variance to allow an accessory structure (pool) to be located in the side yard in lieu of the required rear yard.
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commission will, however, entertain any request for a stay of the issuance of said permit during that period for good cause shown. Such request must be in writing and received in the office by the date of the hearing set above or presented at the hearing.
J. ROBERT HAINES
Zoning Commissioner of Baltimore County
1/30 Mar 24

Mr. & Mrs. David Townsend
7903 Crossmorr Lane
Towson, Maryland 21204
RE: Petition for Zoning Variance
S/S Crossmorr Lane, 123' W of the c/l of Walnut Avenue
(7903 Crossmorr Lane)
9th Election District; 4th Councilmanic District
Case No. 88-410-A

Dear Mr. & Mrs. Townsend:

Enclosed please find the decision rendered in the above-referenced case. The Petition for Zoning Variance has been Granted, subject to the restrictions noted in the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal to the County Board of Appeals. For further information on filing an appeal, please contact this office.

Very truly yours,

J. Robert Haines
Zoning Commissioner
of Baltimore County

JRH:bja

cc: Mr. Paul Horicha
905 Herrypass Lane
Reisterstown, Maryland 21136
People's Counsel

File

Office of
PATUXENT
Publishing Company
10700 Line Towers Ferry
Columbia, MD 21044

March 26 19 88

THIS IS TO CERTIFY, that the annexed advertisement of

NOTICE OF HEARING

was inserted in the following:
☐ Calonsville Times
☐ Arbutus Times
☐ Reporter Weekly
☐ Booster Weekly
☐ Owings Mills Flier
☐ Towson Flier \$21.46

weekly newspapers published in Baltimore County, Maryland once a week for successive weeks before the 20 day of March 19 88, that is to say, the same was inserted in the issues of

March 24, 1988

PATUXENT PUBLISHING COMPANY
By: [Signature]

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY IN EQUITY

Plaintiff

Defendant

CERTIFICATE OF PUBLICATION OF

PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 400.1. To allow an accessory structure (pool) to be located in the side yard in lieu of the required rear yard.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

1. New septic system located in rear of house.
2. Remaining area in rear is topographically unsuitable for

Property is to be posted and advertised as prescribed by Zoning Regulations.

I or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Legal Owner(s):

KATHLEEN K. TOWNSEND

(Type or Print Name)

Signature

Address

City and State

Signature

Address

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

PAUL HORICHS

Name

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 47476

DATE: 1-21-88 ACCOUNT: 5-01-415-000

AMOUNT: \$ 25.00

RECEIVED FROM: [Signature]

FOR: [Signature]

VALIDATION OR SIGNATURE OF CASHIER

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
454-3333

J. Robert Haines
Zoning Commissioner
Mr. & Mrs. David L. Townsend
7903 Crossmorr Lane
Towson, Maryland 21204

Re: Petition for Zoning Variance
Case number: 88-410-A
S/S Crossmorr Lane, 123' W of c/l Walnut Avenue
(7903 Crossmorr Lane)
9th Election District - 4th Councilmanic District
Petitioner(s): David Townsend, et ux
HEARING SET/OWNED: FRIDAY, APRIL 15, 1988 at 11:00 a.m.

Dear Mr. & Mrs. Townsend:

Please be advised that \$7.00 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before your hearing is scheduled to begin.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 50518

DATE: 4-21-88 ACCOUNT: [Signature]

AMOUNT: \$ 7.00

RECEIVED FROM: [Signature]

FOR: [Signature]

VALIDATION OR SIGNATURE OF CASHIER

Baltimore County
Zoning Commission
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

FEB 26 1988

NOTICE OF HEARING



The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
Case number: 88-410-A
SS Crossmorr Lane, 123' W of c/l Walnut Avenue
(7903 Crossmorr Lane)
9th Election District - 4th Councilmanic District
Petitioner(s): David Townsend, et ux
HEARING SCHEDULED: FRIDAY, APRIL 15, 1988 at 11:00 a.m.

Variance to allow an accessory structure (pool) to be located in the side yard in lieu of the required rear yard.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: David L. Townsend, et ux
Mr. Paul Morichs
File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. J. Robert Haines
TO: Zoning Commissioner

Date: March 26, 1988

FROM: P. David Fields
Director of Planning and Zoning
Zoning Petition Nos.: 88-408-A,
88-409-A, 88-410-A, 88-411-A,
SUBJECT: 88-414-A, 88-416-A, 88-417-A

There are no comprehensive planning factors requiring comment on this petition.

P. David Fields per J. Howell
P. David Fields
Director

PDF:JGR:dme

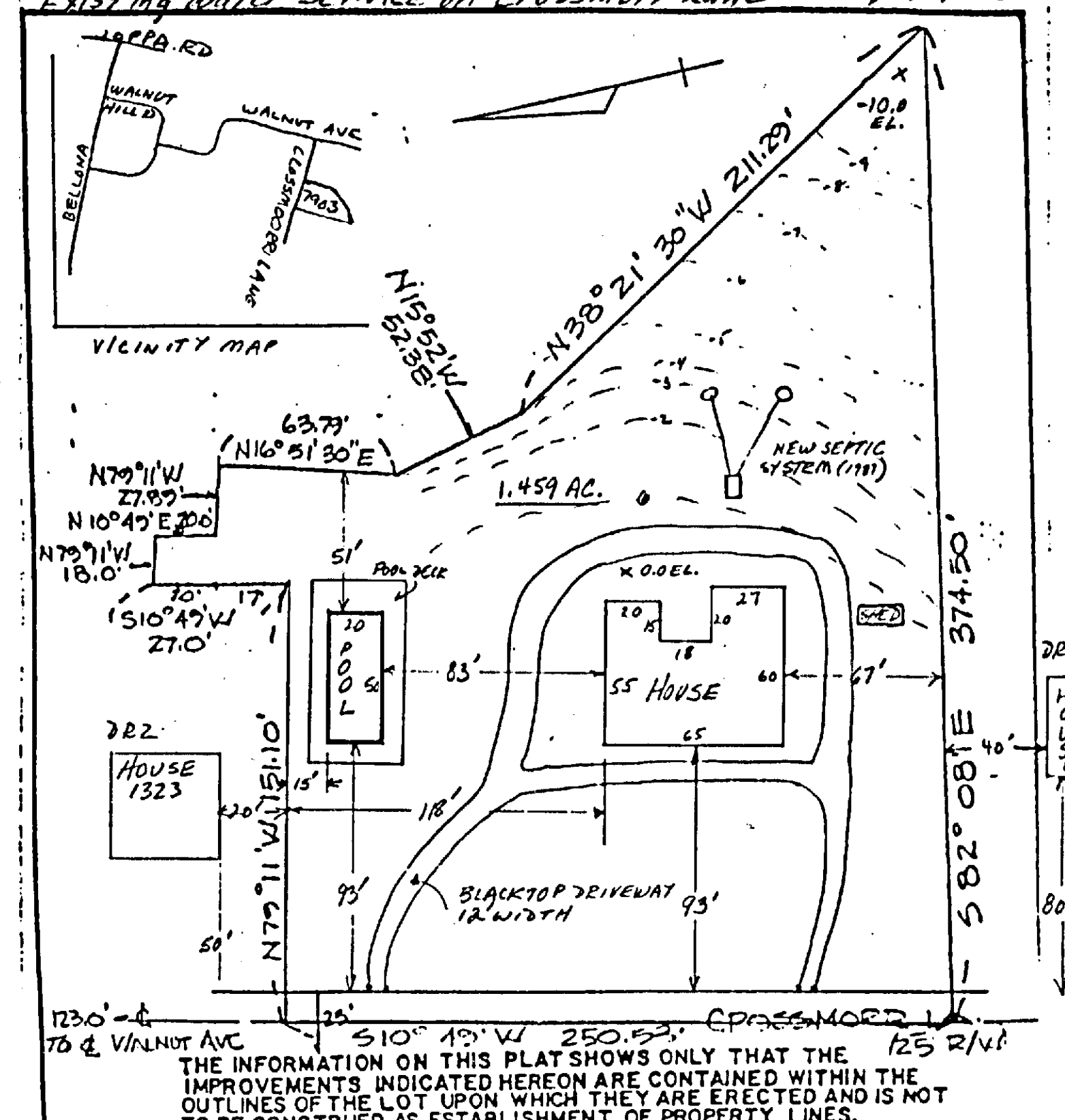
cc: Ms. Shirley M. Hess, Legal Assistant, People's Counsel
File

CPS-008

PETITIONER'S
EXHIBIT 1

Petition for a Zoning Variance David & Kathleen Townsend, Owners.

Existing Water Service on Crossmorr Lane 1.459 Acres



CASSELL ENGINEERING	EDDING DR2	TOWNSHEND PROPERTY 7903 CROSSMORR LANE LIBER. / FOLIO BALTO CO, MD	Date 1/11/88	Signed EHC	Scale 1/4" = 1'-0"
1015 Tricking Brook Road Cockeysville, Maryland 21030 (301) 624-1950	ELECTION DIST 9				

Baltimore County
Zoning Commission
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

Date: April 15, 1988

Re: A Mr. David Townsend
7903 Crossmorr Lane
Towson, Maryland 21204

Re: Case Number: 88-410-A Hearing Date: 4/15/88

Dear Sir/Madam:

Please be advised that the Zoning Order relative to the above will not be issued due to the following:

(xx) Failure to return (1) Sign and Post Set(s).

(xx) Failure to pay posting and advertising fees in the amount of \$ 70.21.

Kindly comply with the above at your earliest convenience.

Baltimore County
Zoning Office
111 W. Chesapeake Avenue
Towson, Maryland 21204
(301) 494 - 3391

Baltimore County
Fire Department
Towson, Maryland 21204-2586
494-4500

Paul H. Rebeck
Chief

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

January 28, 1988



Re: Property Owner: David L. Townsend, et ux

Location: S/S Crossmorr Lane, 123' W. of c/l Walnut Avenue

Item No.: 265

Zoning Agenda: Meeting of 2/2/88

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

() 1. Fire hydrants for the referenced property are required and shall be located at intervals or feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

() 2. A second means of vehicle access is required for the site.

() 3. The vehicle dead end condition shown at

EXCEEDS the maximum allowed by the Fire Department.

() 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

() 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.

() 6. Site plans are approved, as drawn.

(X) 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: [Signature] Noted and Approved: [Signature]
Planning Group Fire Prevention Bureau
Special Inspection Division

/s/

BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL
PROTECTION AND RESOURCE MANAGEMENT

Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Zoning Item # 265, Zoning Advisory Committee Meeting of February 2, 1988

Property Owner: David L. Townsend, et ux

Location: S/S Crossmorr Lane, 123' W of c/l Walnut Avenue, District 9

Water Supply: private Sewage Disposal: private

COMMENTS ARE AS FOLLOWS:

() Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Planning Section, Bureau of Regional Community Services, for final review and approval.

() Prior to new installation of fuel burning equipment, the owner shall contact the Bureau of Air Quality Management, 494-3775, to obtain requirements for such installation before work begins.

() A permit to construct from the Bureau of Air Quality Management is required for such items as spray paint processes, underground gasoline storage tanks (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.

() A permit to construct from the Bureau of Air Quality Management is required for any chiller or operation which has a total cooling surface area of five (5) square feet or more.

() Prior to approval of a Building Permit application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Health and Mental Hygiene Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.

() Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, sauna, whirlpool, hot tub, water and sewerage facilities or other amusements pertaining to health and safety, two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Environmental Protection and Resource Management for review and approval. For more complete information, contact the Recreational Hygiene Section, Bureau of Regional Community Services, 494-3811.

() Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Natural and Child Health.

() If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with the State Department of the Environment.

() Prior to raising of existing structure(s), petitioner must contact the Division of Waste Management at 494-3768, regarding removal and/or disposal of potentially hazardous materials and solid wastes. Petitioner must contact the Bureau of Air Quality Management regarding removal of asbestos, 494-3775.

() Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have prior to removal or abandonment, owner must contact the Division of Waste Management at 494-3768.

() Soil percolation tests, have been conducted. The results are valid until [blank] must be conducted.

() Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.

() In accordance with Section 13-117 of the Baltimore County Code, the water well yield test () shall be valid until () is not acceptable and must be repeated. This must be accomplished prior to conveyance of property and approval of Building Permit Applications.

() Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.

() If submission of plans to the County Planning Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted.

() Others: It should be noted that subject property is owned by a private well and not by metropolitan water supply.

Karen M. Murray
BUREAU OF WATER QUALITY AND RESOURCE
MANAGEMENT

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
County Office Building
Towson, Maryland 21204
494-3354

February 18, 1988



Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 258, 260, 261, 262, 263, 265, 266 and 268.

Very truly yours,

[Signature]
Michael S. Flanigan
Traffic Engineer Associate II

MSF/pml-b

88-410-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this 1st day of February, 1988.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Petitioner: David L. Townsend, et ux Received by: James R. Dyer
Attorney: Chairman, Zoning Plans
Advisory Committee

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

April 6, 1988

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

Mr. & Mrs. David L. Townsend
7903 Crossmorr Lane
Towson, Maryland 21204

Item No. 265 - Case No. 88-410-A
Petitioners: David Townsend, et ux
Petition for Zoning Variance

Dear Mr. & Mrs. Townsend:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

[Signature]
JAMES R. DYER
Chairman
Zoning Plans Advisory Committee

JED:cer

Enclosures

cc: Cassell Engineering
1015 Tricking Brook Road
Cockeysville, Maryland 21030